

Submission on proposals to Restrict Religious Exemptions in the SDA

As not much time was given to make submissions in this matter (given Christmas and holiday breaks) I have kept my submission to two main points.

1. How would the 4 propositions and the 144 supporting technical points for the restriction of the protections for freedom of religion (the exemptions) in the Sex Discrimination Act affect Australia's international obligations to protect freedom of religion?

If the protections (exemptions) for religious schools were to be restricted specifically to conduct religious education and employment of staff to teach religion, wouldn't Australia be failing to meet its obligations under international treaties or covenants to protect freedom of religion and belief in Australian law? i.e. the International Covenant on Civil and Political Rights (ICCPR) to which Australia is a signatory? (Art 18 "everyone shall have the right to freedom of thought, conscience and religion" - **This right includes freedom, either individually or in community others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching"**)

If the right of those of religious belief to join together to send their children to faith based school is to be restricted to specifically religious teaching and not to the whole school community modelling the same moral precepts of the religion, then Australia has failed in its obligation under this Article of the Covenant.

Why is it necessary to effectively prohibit parents using a school that accords with their religious beliefs or convictions and lives them out throughout the WHOLE school community? The proposals to restrict the religious exemptions would basically cancel the right to freedom of religion **guaranteed by the ICCPR and agreed to by Australia.**

Article 18.4 states: ...Parties to the present Covenant (includes Australia) undertake to have respect for the liberty of parents and, when applicable, legal guardians, to ensure the religious and moral education of their children **in conformity with their own convictions.** If the religious exemptions were to be restricted in the ways proposed then those religious schools are not able to make decisions to ensure the life of the school and the whole school community reflect the teachings and moral precepts of the religion of the school. In this case the state and Australian law wouldn't be respecting the liberty of parents to ensure the religious and moral education of their children in accordance with their convictions.

2. Would not the proposed restrictions of the religious exemptions undermine the principles of inclusion, diversity and respect for the rights of others on which our open and free civil society supposedly rests?

Like, how is it inclusive to make it unlawful for citizens who hold particular religious beliefs to be able to send their children to schools that teach and live in accordance with those beliefs? Those who don't hold those beliefs are not forced to send their children to those schools. Whereas political parties are not forced to admit to employment or membership those who don't agree with their policies!!

It's not diversity if only one legally mandated belief is allowed. And how is it respecting the human rights of those with religious beliefs in relation to sexual and gender identity and on marriage and family to make it illegal to manifest those beliefs in their religious schools? It's a denial of their right to religious freedom and effectively amount to a state enforced ideology in relation to those matter? IT IS DISCRIMINATION AGAINST THOSE OF THOSE OTHER BELIEFS.

In conclusion, retaining the religious exemptions in the federal SDA are essential to the protection of freedom of religion in Australia, and to meet Australia's international obligations to protect freedom of religion.